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Waste Site Amid Fears Of Precedent

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EPA Weighs Cleanup Plan For Nuclear Waste Site Amid Fears Of Precedent

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EPA officials are engaged in internal deliberations over how to clean up a Missouri Superfund site that is expected to set a national precedent regarding nuclear waste disposal standards now that the parties responsible for the contamination at the site have completed an agency-mandated study of alternatives to a controversial Bush-era cleanup plan.

[The new study](#) suggests the Bush-era plan should remain in place, as alternatives would be more costly and technically difficult to implement.

The deliberations come amid concerns being raised by environmentalists and on Capitol Hill about EPA's continued defense of the Bush-era plan, with activists fearing that EPA may be predisposed toward leaving the plan in place, based on statements agency officials made in congressional correspondence prior to the completion of the study.

At issue is the West Lake Landfill site in Bridgeton, MO, where the Bush EPA approved a cleanup plan that is at least 18 times less stringent than those the agency has implemented in the past at similar Superfund sites around the United States. Critics say that if the Obama EPA allows the plan to proceed it would set a dangerous precedent by permitting radioactive waste to remain at urban Superfund sites at levels above EPA's traditional limits, and by allowing the waste to be disposed of at urban landfills not regulated by the Nuclear Regulatory Commission.

Following pressure from congressional, state and local offices, the Obama EPA in June 2010 ordered the parties responsible for the contamination at the site to conduct a supplemental feasibility study that would look at two alternatives to the Bush-era plan.

The two alternatives would require "[e]xcavation of radioactive materials with off-site commercial disposal of the excavated materials" or "[e]xcavation of radioactive materials with on-site disposal of the excavated materials in an on-site engineered disposal cell with a liner and cap if a suitable location outside the geomorphic flood plain can be identified."

In contrast, the Bush-era record of decision (ROD) for the site calls for the waste to remain in place and be capped by an "engineered cover." Critics, including the St. Louis City Board of Aldermen, have characterized this plan as allowing the radioactive waste to stay in place beneath

a "cover of rocks, construction rubble, and clay [with] no liner below to" prevent the wastes from leaching into groundwater.

Critics fear the waste, dumped illegally at the site during the Cold War, could contaminate drinking water throughout the St. Louis area given its location within the floodplain of the Missouri River. The site is also located less than a mile from a residential development.

More broadly, environmental groups located in other parts of the country fear the Bush-era plan for the Missouri site would set a dangerous precedent. NRC studies indicate that the average concentration of radioactive radium-226 at West Lake is about 90 picocuries per gram (pCi/g) of soil, 18 times above the 5 pCi/g level that EPA usually uses as the cut-off point for allowing waste to remain at such a site. Some samples taken at the site indicate radium-226 concentrations as high as 21,000 pCi/g, or 4,200 times above the conventional EPA standard.

EPA is currently discussing internally how to move forward with cleanup on the site, an EPA spokesman says, downplaying past statements by the agency to a Missouri congressman that defended the adequacy of the Bush-era plan. The spokesman expects that a decision will be made this year.

Feasibility Study

Recommendations contained in the recently completed feasibility study are reigniting environmentalists' concerns about a precedent. Activists say the study, chartered by the parties responsible for the contamination, tries to argue that issues considered to be fairly routine challenges at cleanup sites around the country make waste removal impracticable at West Lake.

For example, the new feasibility study, which EPA recently made public, notes that there are relatively few disposal facilities in the United States that are licensed to accept the type of radioactive waste dumped at West Lake. It also notes that EPA's Superfund regulations require that, during the cleanup process, parties conducting the cleanup must contact the waste disposal facility to which they plan to send the waste every 60 days to make sure it is still in compliance with any applicable rules, and that if for some reason the disposal facility goes out of compliance, that could result in cleanup delays.

The new feasibility study acknowledges that there are existing licensed facilities that meet all the applicable requirements and are prepared to take the West Lake waste, but nonetheless suggests that these issues "present significant technical implementability concerns" regarding the option of sending the waste to a licensed facility off-site, and estimates the cost of doing so could be as high as \$415 million.

An environmentalist involved with radioactive cleanups in other parts of the country calls the concern that the feasibility study raises "just a transparent excuse not to do" the cleanup. Cleanups that involve removing radioactive waste from a site and sending it to a licensed disposal facility are "done all the time" in other parts of the country, the activist says, and following the Superfund requirements for checking the compliance status of the disposal facility "is just standard practice."

The new feasibility study also suggests that the option of creating a lined disposal facility for the waste at the West Lake site itself -- which it estimates would cost \$117 million -- is "unlikely to be implementable" because solid waste regulations prohibit radioactive waste from being disposed at the site. But by this logic, the site is already in violation of those regulations since the existing West Lake Landfill is also not permitted to accept radioactive waste, says the activist, who calls this argument "Orwellian."

"Their excuse for not fixing the problem is that disposal in an unlicensed site is illegal; but the stuff there is in an unlicensed site," the activist says.

The feasibility study also suggests that, under the Bush-era cleanup plan -- which it says would cost \$41 million -- the West Lake site would produce a cancer risk to the population that is within EPA's accepted risk range of between 1 in 10,000 people in the worst case scenario and 1 in 1 million people in a best case scenario. Removing the waste and shipping it to a licensed facility off site would create a cancer risk that is above and beyond EPA's requirements, the study suggests.

But the environmentalist notes that the study calculates these figures based on the assumption that the cap that the Bush-era plan calls for, combined with institutional controls such as restricted access to the property, will prevent human contact with the contaminants for tens of thousands of years. Assuming such a cap would stay intact for that long is "pure fiction," the activist says. Typically, EPA would not leave radioactive contamination as concentrated as the waste at West Lake in an unlicensed facility due to its 5 pCi/g standard, the activist argues.

The environmentalist says that the study is "twisting the regulations to legitimize leaving radioactive waste at sites where it is illegal," which, the source says, could set a dangerous precedent if EPA accepts these conclusions.

Activists' Concerns

The controversy surrounding the study comes as Missouri activists are raising concerns that EPA officials have defended the Bush-era cleanup plan since ordering the parties responsible for the contamination to study alternatives, but before that study was complete.

EPA Region VII officials made the statements in [letters to Rep. Russ Carnahan](#) (D-MO). The November 2010 response letters, recently obtained by *Inside EPA*, were written in response to concerns Carnahan raised about the West Lake site. "While this landfill is not in my district, it does sit on the eastern edge of the Missouri River floodplain and could potentially affect my district and the drinking water of St. Louis area residents, Carnahan wrote in a October 2010 letter to EPA Administrator Lisa Jackson.

In [one of the letters to Carnahan](#), EPA Region VII Administrator Karl Brooks says that an Army Corps of Engineers analysis of floods that occurred in the region in 1973 and 1993 indicate that West Lake's proximity to the flood plain should not be an issue and that the design of the cap called for in the Bush-era plan would prevent erosion. The levee system surrounding the West

Lake area is also "highly-engineered," Brooks writes.

In addition, Carnahan should not be concerned that the radioactive waste could contaminate groundwater absent a liner because the cap is the control that would prevent water from entering the landfill in the first place, Brooks writes. "It is important to understand that it is the cover, not a liner, which prevents surface water from contacting the material and then migrating to the groundwater," he says.

Like the new feasibility study, Brooks' letter also argues that institutional controls at West Lake make the prospect of human exposure less of a concern. "The Landfill is secured by fencing and is not accessible to the public," Brooks writes.

A Missouri activist calls the Region VII letters "disturbing," in part because they were written after EPA ordered the study of alternatives to the Bush-era cleanup plan but before the study was complete. Missouri activists also say EPA's assertions regarding the significance of West Lake's proximity to the flood plain is questionable.

For example, a second Missouri activist says that the 2011 floods in Missouri and Nebraska, which flooded the area surrounding two nuclear power plants, is an example of "poor planning" by the Army Corps and shows that unusual flooding is possible despite federal management plans.

The EPA spokesman, however, says that EPA's response letter "could only address the site record and the agency's official decisions up to that point in time" and says that "much has transpired" in regard to the feasibility study since that time. "To suggest that EPA's response letter indicated any bias in regard to the . . . outcome is simply incorrect," the agency spokesman says.

A Carnahan spokesman says the lawmaker's office will continue to inquire about the site with EPA and remains concerned about the flooding issue. -- *Douglas P. Guarino* (dguarino@iwpnews.com)

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